

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MARNIE O'BRIEN, . Case No. 2:19-cv-06078-JMG  
 .  
Plaintiff, .  
 .  
v. . U.S. Courthouse  
 . 504 W. Hamilton Street  
 . Allentown, PA 18101  
THE MIDDLE EAST FORUM .  
et al., .  
 .  
Defendants. .  
 . August 6, 2021  
 . 9:04 a.m.  
. . . . .

TRANSCRIPT OF TRIAL - DAY SEVEN - VERDICT  
BEFORE HONORABLE JOHN M. GALLAGHER  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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For the Defendants: MARGARET M. DIBIANCA, ESQ.  
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1           DEPUTY STEIN: All rise. The United States District  
2 Court for the Eastern District of Pennsylvania is now in  
3 session, Judge John M. Gallagher presiding.

4           THE COURT: Good morning, everyone. Please be  
5 seated.

6           I just wanted to report that at nine o'clock all the  
7 jurors arrived, and they began or resumed their deliberations.  
8 So they're next door working.

9           And that's what I have. I don't have anything else.  
10 I hope everyone got some rest after, you know, the work and the  
11 stress that goes into, you know, a day like, well, a week like  
12 this.

13           All good? All right. Mr. Williams, you good over  
14 there?

15           MR. WILLIAMS: I've got some sleep scheduled for  
16 Tuesday.

17           THE COURT: Well, my question is did you sleep last  
18 night? Because if the answer is no, then I know I have some  
19 more briefs to read.

20           MR. WILLIAMS: I didn't, but I wasn't briefing,  
21 Judge. I think the earliest they'll let me file is about 7:30.

22           THE COURT: Oh, that -- I'm glad for you, and  
23 selfishly I'm glad for me. And for Mr. Fisher.

24           All right. So just if we know how to reach you. If  
25 you know, Ms. Stein can give you a shout and you can be with --

1 here, in case there's another question or anything comes up.

2 All right?

3 MR. WILLIAMS: Thank you, Your Honor.

4 THE COURT: Thanks, folks. Nice to see everybody.

5 DEPUTY STEIN: All rise. Court is in recess.

6 (Whereupon, the above-entitled matter went off the  
7 record at 9:05 a.m. and resumed at 1:12 p.m.)

8 DEPUTY STEIN: All rise. The Court is again in  
9 session.

10 THE COURT: Good afternoon, everybody. Please be  
11 seated. Folks, I suspect word has filtered out to you. We  
12 have a verdict. And we'll bring the jury in momentarily.

13 I'm reminding everybody, both sides, there will be no  
14 outbursts in the courtroom when the verdict is read, whatever  
15 it is. Okay?

16 Anything we need to discuss?

17 Ms. Stein?

18 DEPUTY STEIN: Yes.

19 THE COURT: All right. Please bring in the jury.

20 DEPUTY STEIN: All rise for the jury.

21 (THE JURY ENTERED THE COURTROOM.)

22 THE COURT: Please be seated, everybody. Mr.  
23 Foreman, would you please rise?

24 JUROR 2: Yes, Your Honor.

25 THE COURT: Sir, I understand the jury has a verdict?

1 JUROR 2: That is correct, Your Honor.

2 THE COURT: Ms. Stein, would you please retrieve the  
3 verdict from the Jury Foreman?

4 You may be seated. Thank you.

5 Okay, Ms. Stein, would you take the verdict?

6 VERDICT

7 DEPUTY STEIN: Count One of the Plaintiff Complaint,  
8 gender discrimination pursuant to Title 7 of the Civil Rights  
9 Act of 1964. Has the Plaintiff Marnie O'Brien proven by a  
10 preponderance of the evidence that she was subjected to sexual  
11 harassment by Defendant Gregg Roman and that this harassment  
12 was motivated by her gender? No.

13 Count Two of the Plaintiff Complaint, gender  
14 discrimination pursuant to the Pennsylvania Human Relations  
15 Act. Has the Plaintiff Marnie O'Brien proven beyond a  
16 preponderance of the evidence that she was subjected to sexual  
17 harassment by the Defendant Gregg Roman, and that this  
18 harassment was motivated by her gender? No.

19 Count One of the Counterclaim, abuse of process. Has  
20 the Counterclaim Plaintiff Gregg Roman proven by a  
21 preponderance of the evidence that the Counterclaim Defendant  
22 Marnie O'Brien used the legal process for an improper purpose  
23 which caused Mr. Roman harm? No.

24 THE COURT: And is that verdict signed by the  
25 Foreperson, signed and dated, Ms. Stein?

1           DEPUTY STEIN: Yes, it is.

2           THE COURT: Mr. Foreman, will you please stand? Is  
3 that a true and accurate and unanimous verdict as rendered by  
4 you and the members of the jury on this date?

5           JUROR 2: Yes, Your Honor.

6           THE COURT: Does Plaintiff's counsel wish to poll the  
7 jury?

8           MS. SHIKUNOV: Yes, we do, Your Honor.

9           THE COURT: Ms. Stein?

10                           JURY POLLED

11           DEPUTY STEIN: Please be seated. Juror Number One,  
12 please rise. Do you agree with the verdict as stated by the  
13 Foreperson?

14           JUROR 1: Yes.

15           DEPUTY STEIN: Please be seated. Juror Number Two,  
16 please rise. Do you agree with the verdict as stated by the  
17 Foreperson?

18           JUROR 2: I do.

19           DEPUTY STEIN: Please be seated. Juror Number Three,  
20 please rise. Do you agree with the verdict as stated by the  
21 Foreperson?

22           JUROR 3: I do.

23           DEPUTY STEIN: Please be seated. Juror Number Four,  
24 please rise. Do you agree with the verdict as stated by the  
25 Foreperson?

1 JUROR 4: I do.

2 DEPUTY STEIN: Thank you. Please be seated. Juror  
3 Number Six, do you agree -- thank you, please rise. Do you  
4 agree with the verdict as stated by the Foreperson?

5 JUROR 6: I do.

6 DEPUTY STEIN: Thank you. Please be seated. Juror  
7 Number Seven, please rise. Do you agree with the verdict as  
8 stated by the Foreperson?

9 JUROR 7: Yes.

10 DEPUTY STEIN: Thank you. Please be seated. And,  
11 Juror Number Eight, please rise. Do you agree with the verdict  
12 as stated by the Foreperson?

13 JUROR 8: I do.

14 DEPUTY STEIN: Thank you. Please be seated.

15 THE COURT: Thank you, Ms. Stein. Ladies and  
16 gentlemen of the jury, the Court accepts your verdict and will  
17 enter it into the record of this case.

18 On behalf of myself and my staff and the parties in  
19 this case, thank you again for your service. Your jury service  
20 is now complete.

21 Please return to your lives and your loved ones with  
22 our admiration and our sincere gratitude. You may remove the  
23 jury.

24 DEPUTY STEIN: All rise for the jury.

25 (THE JURY LEFT THE COURTROOM.)



1           THE COURT: Please be seated, everybody. Ladies and  
2 gentlemen, the jury has spoken. Is there anything anyone wants  
3 to say before we adjourn?

4           MS. SHIKUNOV: Are we permitted to speak with the  
5 jurors, Your Honor?

6           THE COURT: I intend to inform the jurors that they  
7 may, at their choice, speak to the jury. It will be up -- I'm  
8 sorry, speak to counsel. It will be up to them.

9           I have no idea what -- what their preference is.

10          MS. SHIKUNOV: Okay.

11          THE COURT: It seems to vary in every case. All  
12 right, counsel, both sides, I told you this before, and I'll  
13 tell you it again, your clients were well represented in this  
14 case.

15          And I wish everyone on both sides the best of luck  
16 going forward. Okay?

17          Good afternoon.

18          DEPUTY STEIN: All rise. This Court is adjourned.

19                               \* \* \* \* \*

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C E R T I F I C A T E

I, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.



August 9, 2021

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Neal R. Gross

**NEAL R. GROSS**

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